

SENATE BILL 885

L2

9lr2802

By: **Senators Jones and McFadden**

Introduced and read first time: February 6, 2009

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City Charter – East Baltimore Community Benefits District**

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore to establish
4 by ordinance the East Baltimore Community Benefits District to provide certain
5 services; authorizing the Mayor and City Council to establish the East
6 Baltimore Community Benefits District Authority to provide certain services;
7 requiring a certain ordinance to provide the method for establishing certain
8 boundaries; requiring a certain ordinance to specify certain taxes; providing for
9 the appointment of officers and board members of the East Baltimore
10 Community Benefits District; requiring a certain financial plan to be subject to
11 approval by the Baltimore City Board of Estimates; providing certain
12 limitations, powers, and duties of the East Baltimore Community Benefits
13 District Authority; requiring the Mayor and City Council to take certain
14 matters into consideration when enacting certain ordinances; prohibiting the
15 Mayor and City Council from authorizing certain reductions in services;
16 providing for the reversion of unspent funds under a certain condition; placing a
17 certain condition on a certain ordinance taking effect; and generally relating to
18 the establishment of the East Baltimore Community Benefits District.

19 BY adding to
20 The Charter of Baltimore City
21 Article II – General Powers
22 Section (65)
23 (2007 Replacement Volume, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(65)

(A) SUBJECT TO SUBSECTION (M) OF THIS SECTION, THE CITY MAY:

(1) ESTABLISH, BY ORDINANCE, THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT WITHIN THE CITY OF BALTIMORE TO PROVIDE SERVICES CONSISTENT WITH PARAGRAPH (2) OF THIS SUBSECTION TO THE BUSINESSES AND RESIDENTS OF THE PROPOSED DISTRICT; AND

(2) ESTABLISH, BY ORDINANCE, THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY TO:

(I) PROMOTE AND MARKET THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT;

(II) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;

(III) PROVIDE AMENITIES IN PUBLIC AREAS;

(IV) PROVIDE PARK AND RECREATIONAL PROGRAMS AND FUNCTIONS; AND

(V) PROVIDE OTHER SERVICES AND FUNCTIONS AS REQUESTED BY THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

(B) THE ORDINANCE ESTABLISHING THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT SHALL:

1 (1) SPECIFY THE METHOD FOR ESTABLISHING AND MODIFYING
2 THE BOUNDARIES OF THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT;

3 (2) SPECIFY THE POWERS AND FUNCTIONS WITHIN THE LIMITS OF
4 THIS SECTION, THAT MAY BE EXERCISED AND CONDUCTED BY THE EAST
5 BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY;

6 (3) SPECIFY THE AMOUNT OF TAXES OR CHARGES THAT MAY BE
7 IMPOSED ON PROPERTIES IN THE EAST BALTIMORE COMMUNITY BENEFITS
8 DISTRICT;

9 (4) SPECIFY THE DURATION OF THE EAST BALTIMORE
10 COMMUNITY BENEFITS DISTRICT AUTHORITY;

11 (5) PROVIDE FOR THE IMPOSITION AND COLLECTION OF THE
12 TAXES OR CHARGES AND FOR DISBURSEMENT OF THE REVENUE TO THE EAST
13 BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY SUBJECT TO
14 SUBSECTION (D) OF THIS SECTION;

15 (6) DETERMINE WHAT CLASSES AND SUBCLASSES OF PROPERTY
16 IN THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT SHALL BE SUBJECT
17 TO OR EXEMPT FROM TAXES OR CHARGES UNDER THIS SECTION;

18 (7) SPECIFY THE METHOD FOR DETERMINING THE TAXES OR
19 CHARGES TO BE IMPOSED ON CLASSES AND SUBCLASSES OF PROPERTY UNDER
20 THIS SECTION; AND

21 (8) DETERMINE THE ORGANIZATION AND METHOD OF INITIAL
22 APPOINTMENT OF OFFICERS AND BOARD MEMBERS OF THE EAST BALTIMORE
23 COMMUNITY BENEFITS DISTRICT AUTHORITY, SUBJECT TO SUBSECTION (E) OF
24 THIS SECTION.

25 (C) THE FINANCIAL PLAN OF THE EAST BALTIMORE COMMUNITY
26 BENEFITS DISTRICT AUTHORITY, INCLUDING ITS ANNUAL BUDGET, TAX RATE,
27 AND SCHEDULE OF CHARGES, SHALL BE SUBJECT TO APPROVAL BY THE BOARD
28 OF ESTIMATES.

29 (D) (1) BEFORE ADOPTING ITS PROPOSED BUDGET AND MAKING ITS
30 RECOMMENDATIONS TO THE CITY, THE EAST BALTIMORE COMMUNITY
31 BENEFITS DISTRICT AUTHORITY SHALL HOLD A PUBLIC HEARING ON TAXES OR
32 CHARGES PROPOSED FOR THE EAST BALTIMORE COMMUNITY BENEFITS
33 DISTRICT.

1 (2) THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT
2 AUTHORITY SHALL PUBLISH NOTICE OF THE HEARING UNDER PARAGRAPH (1)
3 OF THIS SUBSECTION IN A NEWSPAPER OF GENERAL CIRCULATION IN
4 BALTIMORE CITY AT LEAST ONCE A WEEK FOR 3 CONSECUTIVE WEEKS BEFORE
5 THE HEARING.

6 (3) PROPERTY IN THE EAST BALTIMORE COMMUNITY BENEFITS
7 DISTRICT THAT IS EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY
8 TAXES SHALL BE EXEMPT FROM TAXES OR CHARGES ASSESSED TO SUPPORT
9 THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY.

10 (4) THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT
11 AUTHORITY MAY REQUEST THE OWNERS OF PROPERTY EXEMPT FROM TAXES
12 UNDER PARAGRAPH (3) OF THIS SUBSECTION TO CONTRIBUTE TO THE COSTS OF
13 THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY.

14 (5) TAXES AND CHARGES IMPOSED UNDER AN ORDINANCE
15 ENACTED UNDER SUBSECTION (B)(3) OF THIS SECTION MAY NOT EXCEED THE
16 TAXES AND CHARGES PROPOSED BY THE EAST BALTIMORE COMMUNITY
17 BENEFITS DISTRICT AUTHORITY.

18 (E) (1) THE MAJORITY OF THE MEMBERS OF THE BOARD SHALL BE
19 OWNERS OR REPRESENTATIVES OF OWNERS OF PROPERTIES IN THE EAST
20 BALTIMORE COMMUNITY BENEFITS DISTRICT THAT ARE SUBJECT TO TAXES OR
21 CHARGES UNDER THIS SECTION.

22 (2) A VOTING MEMBER OF THE BOARD MUST BE ELIGIBLE TO
23 VOTE IN THE ELECTION UNDER SUBSECTION (M) OF THIS SECTION.

24 (F) AS PROVIDED BY ORDINANCE ENACTED UNDER THIS SECTION, THE
25 EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY SHALL HAVE
26 THE POWER TO:

27 (1) CONDUCT THE FUNCTIONS WHICH ARE ASSIGNED TO IT BY
28 THE CITY;

29 (2) ACQUIRE, HOLD, AND USE PROPERTY NECESSARY TO ACHIEVE
30 ITS PURPOSES;

31 (3) ENTER INTO CONTRACTS;

32 (4) SUE AND BE SUED, SUBJECT TO SUBSECTION (G) OF THIS
33 SECTION;

1 (5) BORROW AND ACCEPT GRANTS FOR PURPOSES CONSISTENT
2 WITH THE PURPOSES OF THE EAST BALTIMORE COMMUNITY BENEFITS
3 DISTRICT AUTHORITY;

4 (6) EMPLOY AND DISCHARGE PERSONNEL TO CARRY OUT ITS
5 PUBLIC PURPOSES;

6 (7) PROPOSE IN ITS ANNUAL BUDGET THE TAXES OR CHARGES ON
7 PROPERTY WITHIN THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT IN
8 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;

9 (8) ADOPT, AMEND, AND MODIFY BYLAWS, ALL OF WHICH SHALL
10 BE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES;

11 (9) ESTABLISH AND ELECT OFFICERS AND PROVIDE FOR THEIR
12 TERMS AND DUTIES;

13 (10) CONTRACT FOR AND PURCHASE GOODS AND SERVICES IN
14 ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION; AND

15 (11) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT
16 ITS POWERS.

17 (G) THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT, EAST
18 BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY, ITS BOARD OF
19 DIRECTORS, AND ANY ADMINISTRATOR OF THE EAST BALTIMORE COMMUNITY
20 BENEFITS DISTRICT SHALL BENEFIT, TO THE FULLEST EXTENT ALLOWABLE BY
21 LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL LAW LIMITING
22 THE LIABILITY OF EMPLOYEES, OFFICERS, AGENTS, AND OFFICIALS OF
23 GOVERNMENTAL BODIES.

24 (H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS
25 SUBSECTION, A CONTRACT ENTERED INTO UNDER SUBSECTION (F)(10) OF THIS
26 SECTION IS NOT SUBJECT TO THE CITY REQUIREMENTS REGARDING WAGE
27 SCALES, COMPETITIVE BIDDING, OR OTHER LOCAL PROCUREMENT LAWS.

28 (2) THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT
29 AUTHORITY SHALL BE SUBJECT TO CITY ORDINANCES AND CITY POLICY
30 REQUIRING ACHIEVEMENT OF GOALS REGARDING MINORITY AND WOMEN'S
31 BUSINESS ENTERPRISES.

32 (I) AS PROVIDED BY ORDINANCE ENACTED UNDER THIS SECTION, THE
33 EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY MAY NOT:

1 (1) EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN
2 THOSE AUTHORIZED BY STATE LAW AND CITY ORDINANCE;

3 (2) PLEDGE THE FULL FAITH OR CREDIT OF THE CITY;

4 (3) IMPOSE TAXES OR CHARGES IN EXCESS OF THOSE APPROVED
5 BY THE BOARD OF ESTIMATES;

6 (4) EXERCISE THE POWER OF EMINENT DOMAIN;

7 (5) ENGAGE IN COMPETITION WITH THE PRIVATE SECTOR,
8 EXCEPT AS OTHERWISE PROVIDED BY LAW, AND AS NECESSARY TO EXERCISE
9 THE POWERS PROVIDED FOR HEREIN AND IN ANY ORDINANCE ENACTED WITH
10 RESPECT TO THE EAST BALTIMORE COMMUNITY BENEFITS DISTRICT OR THE
11 EAST BALTIMORE COMMUNITY BENEFITS DISTRICT AUTHORITY;

12 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (L) OF THIS
13 SECTION, REVERT CHARGES OR TAXES COLLECTED PURSUANT TO THIS SECTION
14 TO THE GENERAL FUND OF THE CITY;

15 (7) BE AN AGENCY OF THE MAYOR AND CITY COUNCIL OF
16 BALTIMORE OR THE STATE OF MARYLAND, AND ITS OFFICERS AND EMPLOYEES
17 MAY NOT ACT AS AGENTS OR EMPLOYEES OF THE MAYOR AND CITY COUNCIL OF
18 BALTIMORE OR THE STATE OF MARYLAND;

19 (8) EMPLOY INDIVIDUALS WHO RESIDE OUTSIDE THE CITY OF
20 BALTIMORE; AND

21 (9) EXCEPT AS REQUIRED OR APPROPRIATE TO FACILITATE ITS
22 NORMAL OPERATIONS, INCUR DEBT.

23 (J) IN ENACTING AN ORDINANCE IN ACCORDANCE WITH THIS SECTION,
24 THE MAYOR AND CITY COUNCIL OF BALTIMORE SHALL:

25 (1) GIVE CONSIDERATION TO THE VIEWS OF THE PROPERTY
26 OWNERS, THE RETAIL MERCHANTS, THE PROPERTY TENANTS, AND THE OTHER
27 MEMBERS OF THE BUSINESS AND RESIDENTIAL COMMUNITIES WITHIN THE
28 EAST BALTIMORE COMMUNITY BENEFITS DISTRICT;

29 (2) MAKE A DETERMINATION THAT THE EAST BALTIMORE
30 COMMUNITY BENEFITS DISTRICT CREATED UNDER THIS SECTION WILL
31 REFLECT A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES; AND

1 **(3) MAKE A DETERMINATION THAT THE EAST BALTIMORE**
2 **COMMUNITY BENEFITS DISTRICT CREATED UNDER THIS SECTION WILL**
3 **REFLECT A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX.**

4 **(K) THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY NOT PERMIT A**
5 **REDUCTION IN THE SERVICES PROVIDED BY THE CITY IN THE EAST BALTIMORE**
6 **COMMUNITY BENEFITS DISTRICT.**

7 **(L) IN THE EVENT OF A DISSOLUTION OF THE EAST BALTIMORE**
8 **COMMUNITY BENEFITS DISTRICT, ANY UNSPENT FUNDS SHALL REVERT BACK**
9 **TO THE CITY'S GENERAL FUND.**

10 **(M) (1) AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (A) OF**
11 **THIS SECTION SHALL TAKE EFFECT ONLY IF IT IS APPROVED BY 58% OF THE**
12 **AGGREGATE VOTES CAST IN A SPECIAL ELECTION BY THE AFFECTED VOTERS.**

13 **(2) THE ORDINANCE SHALL PROVIDE:**

14 **(I) CRITERIA FOR THE ELIGIBILITY OF VOTERS FOR**
15 **PURPOSES OF THE ELECTION REQUIRED BY THIS SUBSECTION; AND**

16 **(II) PROCEDURES FOR A SPECIAL ELECTION REQUIRED IN**
17 **THIS SUBSECTION, WHICH MAY BE ADMINISTERED BY WRITE-IN BALLOTS.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.